

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JACKIE EUGENE SMITH, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-9149

NANCY A. BERRYHILL,¹
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Claimant's request for Judgment on the Pleadings (ECF No. 24), grant Defendant's request to affirm the decision (ECF No. 27), affirm the final decision of the Commissioner, and dismiss this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** Claimant's request for Judgment on the Pleadings (ECF No. 24), **GRANTS** Defendant's request to affirm the decision (ECF No. 27), **AFFIRMS** the final

¹At the time this civil action was filed, Carolyn W. Colvin was serving as the Acting Commissioner of Social Security.

decision of the Commissioner, and **DISMISSES** this matter from the Court's docket, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 11, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE